

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>030260WO</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/006525</b>	International filing date (day/month/year) <b>17.06.2004</b>	Priority date (day/month/year) <b>17.06.2003</b>
International Patent Classification (IPC) or national classification and IPC		
Applicant <b>SIG Technology Ltd.</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>22</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* 1-17 received by this Authority on 18.04.2005 with letter of 18.04.2005
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-17 received by this Authority on 18.04.2005 with letter of 18.04.2005
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/7-7/7 as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, nos. 18
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	1-17	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>1. The closest prior art (WO 95/02539) describes (the references in parentheses are to WO 95/02539) a device for continuously filling and closing cardboard-plastic composite packages that are open at one end, with a filler zone for filling the open packages (16) and a closure zone for closing the open package ends. The zones are in the form of rotating functional carousels (filler carousel (47) and closure carousel (49)) with external recesses (54). The packages (16) are arranged in cell cages (10) which are transferred in succession to the carousels (47, 49), the cell cages (10) being force-locked in the recesses (54) in the carousels (47, 49) by magnets (52, 56). Transfer carousels (46, 48) are provided for transferring the cell cages (10) between the carousels (47, 49) with external recesses (54), and the transfer carousels (46, 48) have means (see page 14, lines 10 to 16) for turning (see page 3, lines 4 to 11) the cell cages (10) within the recesses (54).</p> <p>The object of the invention is to design a bag holder for holding an open bag in a packaging machine that has a high filling rate and requires bags with a stable opening.</p> <p>The subject matter of claim 1 differs in that a rotatably</p>			

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

mounted control element is provided for each recess as the means for turning the cell cages within the recesses, the control element being turned by a drive mechanism so that the cell cage is placed against and detached from the magnets on the functional carousels in a jerk-free manner.

The object of the invention is to design a device for continuously filling and closing cardboard-plastic composite packages that are open at one end, with a high degree of flexibility for producing different package formats and minimal assembly and maintenance requirements.

The basic concept is therefore to retain the force-locking magnetic holding system and yet to ensure a particularly "gentle" transfer of packages from the functional carousel to the transfer carousel by using the control element to turn the entire cell cage about its vertical axis.

The subject matter of claim 1 is therefore novel and also meets the requirement of inventive step (PCT Article 33(2) and PCT Rule 64.1 to 64.3).

2. Claims 2 to 10 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.
3. The closest prior art (WO 95/02539) describes (the references in parentheses are to WO 95/02539) a cell cage for transporting cardboard-plastic composite packages that are open at one end.

The subject matter of claim 11 differs in that it involves

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a cell which is open at the top to receive a package (P) that is to be filled, and at least one collar joined to the cell and having at least one upwardly or downwardly protruding driver element.

The driver element can be an indexing pin by means of which a package, once it has assumed a position in the cell cage, can maintain the same position throughout its passage through the filling machine. This is necessary because the round cell cage with its contact pin might otherwise move along the device in two different positions 180° apart about a vertical axis. The indexing pin is always necessary for package types that have to be in one particular position for filling, as in the case of packages that have a pouring element on one side or a weak zone at one end in which a pouring element has to be fitted.

The subject matter of claim 11 is therefore novel and also meets the requirement of inventive step (PCT Article 33(2) and PCT Rule 64.1 to 64.3).

4. Claims 12 to 17 are dependent on claim 11 and therefore also meet the PCT requirements in respect of novelty and inventive step.